

Message Text

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ORIGIN DRC-01

INFO OCT-01 ARA-10 ISO-00 SY-05 L-03 /020 R

DRAFTED BY FADRC/DR:FMMACHAK:LB

APPROVED BY O/FADRC:JSPRUDEN

L/M:LAHUMMER (DRAFT)

ARA/CAR:JTHYDEN

SY:DSTEVENS

----- 080774

R 031742Z NOV 76

FM SECSTATE WASHDC

TO AMEMBASSY NASSAU

UNCLAS STATE 270651

E.O. 11652: N/A

TAGS: APER, ASEC

SUBJECT:FBI INVESTIGATION

REF: NASSAU 1608

1. THE PRIVACY ACT STATES: "NO AGENCY SHALL DISCLOSE ANY RECORD WHICH IS CONTAINED IN A SYSTEM OF RECORDS BY ANY MEANS OF COMMUNICATION TO ANY PERSON, OR TO ANOTHER AGENCY, EXCEPT PURSUANT TO A WRITTEN REQUEST BY, OR WITH THE WRITTEN CONSENT OF THE INDIVIDUAL TO WHOM THE RECORD PERTAINS, UNLESS DISCLOSURE OF THE RECORD WOULD...' FALL WITHIN ONE OR MORE OF THE CATEGORIES ENUMERATED IN 552A (B)(1) THROUGH (B)(11) OF THE ACT. BASED ON INFORMATION PROVIDED IN REFERENCED TELEGRAM, TWO CATEGORIES APPEAR TO APPLY IN THIS CASE: (B)(3), THE ROUTINE USE PROVISION; AND (B)(7), CIVIL OR CRIMINAL LAW ENFORCEMENT.
2. MOST DESIRABLE WAY TO HANDLE THIS REQUEST WOULD BE UNDER (B)(7). THAT IS, HAVE FBI PROVIDE WRITTEN REQUEST SPECIFYING PARTICULAR RECORD REQUESTED AND LAW ENFORCEMENT PURPOSE FOR WHICH THE RECORD IS REQUESTED.
3. IN THE ALTERNATIVE, RELEASE MAY POSSIBLY BE PER-UNCLASSIFIED

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MITTED UNDER THE (B)(3) ROUTINE USE PROVISION. POST'S

ATTENTION DIRECTED TO DEPARTMENT'S A-395 OF JANUARY 23, 1976 WHICH TRANSMITTED DEPARTMENT'S SYSTEM DESCRIPTIONS AND ROUTINE USE STATEMENTS.

4. FOR EXAMPLE, UNDER SYSTEM DESCRIPTION NO.5 A CONSULAR FILE MAY BE RELEASED UNDER THE "ROUTINE USE" EXCEPTION TO OTHER GOVERNMENT AGENCIES WHO HAVE STATUTORY OR OTHER LAWFUL AUTHORITY TO MAINTAIN SUCH INFORMATION. THE DEPARTMENT OF JUSTICE IS ALSO LISTED AS A PRINCIPAL USER OF INFORMATION FROM THIS SYSTEM OF RECORDS. FURTHER, UNDER SYSTEM DESCRIPTION NO. 31 A PERSONNEL FILE MAY BE MADE AVAILABLE TO "ACCREDITED INVESTIGATIVE AGENTS OF OTHER FEDERAL AGENCIES.' TO OTHER GOVERNMENT AGENCIES... TO VERIFY EMPLOYMENT...'

5. IT IS BEST TO KEEP IN MIND THAT DISCLOSURE OF INFORMATION UNDER THIS (AND ALL ROUTINE USE PROVISIONS) IS PERMISSIVE AND NOT MANDATORY. POST HAS DISCRETION AS TO ACTUAL DISCLOSURE AND MUST DECIDE ON A CASE-BY-CASE BASIS.

6. IF POST REQUIRES ADDITIONAL CLARIFICATION ON 'ROUTINE USE' STATEMENTS, DEPARTMENT WILL NEED TO KNOW TYPE OF FILE, I.E., CONSULAR, PERSONNEL, ETC. AND NATURE OF DOCUMENTS IN FILE.

7. POST SHOULD NOTE, HOWEVER, THE PRIVACY ACT REQUIREMENT UNDER SUBSECTION (C) OF KEEPING AN ACCURATE ACCOUNTING OF THE DATE, NATURE, AND PURPOSE OF EACH DISCLOSURE AND ADDRESS OF THE PERSON OR AGENCY TO WHOM THE DISCLOSURE WAS MADE. IN ADDITION, SUBSECTION (C) (2) OF THE ACT REQUIRES THAT THE ACCOUNTING BE RETAINED FOR AT LEAST FIVE YEARS OR THE LIFE OF THE RECORD, WHICHEVER IS LONGER, AFTER THE DISCLOSURE FOR WHICH ACCOUNTING WAS MADE. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
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Draft Date: 03 NOV 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
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Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE270651
Document Source: CORE
Document Unique ID: 00
Drafter: FMMACHAK:LB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760410-0648
From: STATE
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